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STATE FOR EEB/TPP/ABT AND EUR/ERA
STATE PASS USTR FOR D.WEINER
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SUBJECT: SPAIN'S RESPONSE TO DEMARCHE ON BIOTECH VOTES AT OCTOBER 19, 2009 MEETINGS

REF: STATE 106819

¶1. SUMMARY: Spain's Minister of Environment and Rural and Marine Affairs (MARM) will vote in favor of proposals to approve three biotech maize varieties for import at the October 19 Agriculture Council Meeting, although GOS officials do not expect the proposals to be approved. While a delegate to the Standing Committee indicated that Spain's final decision on the MIR604 and Syngenta Bt11 is still being debated within Spain's Inter-Ministerial Council, a Ministry official assured AgCouns that Spain will also vote favorably on the two biotech maize proposals at the October 19 Standing Committee on Food Chain and Animal Health. END SUMMARY.

¶2. Econoff delivered reftel demarche October 15 to Alfredo Bonet, Secretary General for Trade at the Ministry of Industry, Tourism, and Trade. Bonet replied that his Ministry favored approval of the biotech maize varieties and would advocate for this position in Spain's Inter-Ministerial Council, but he was not in a position to state what Spain's final position would be.

¶3. Separately, Agricultural Counselor and Agricultural Specialist met October 15 with Eduardo Diez Patier, Chief of Staff to the Secretary of State for Rural Affairs and Water, to deliver reftel demarche.

¶4. According to Diez Patier, both the Minister of Environment and Rural and Marine Affairs, Elena Espinosa, and the Secretary of State (Vice-Minister equivalent) for Rural Affairs and Water, Josef Puxeu, will attend the October 19 meeting of the Agriculture Council. Spain will vote in favor of all three biotech maize varieties for import. However, he noted that they do not expect the vote to pass and so the issue will be deferred to the Commission. The problem is that the current Commission, which meets every Wednesday, expires on October 31. The Commission will have two opportunities to vote on the three biotech maize varieties before its term expires. If there is no vote before November 1, then the issue will be deferred to the new Commission. The Chief of Staff stated that this will be problematic as it may take some time for newly elected EU governments to select new Commission members. The interim "temporary" Commission could take up the biotech maize issue - or it could be deferred until later in the year when all positions are permanently filled. This could potentially delay the vote until January 2010 or later.

¶5. Mr. Diez Patier also confidently stated that Spain would vote in favor of both MIR604 maize for import and the renewal of approval for Syngenta Bt11 at the October 19 Standing Committee Meeting. However, a follow-up call to Esther Esteban, Area Manager at the General Directorate of Sustainable Development who coordinates biotech policy issues in Spain, indicated a less certain position. Ms. Esteban noted that Anabel de la Pena from the Spanish Agency for Food Safety and Nutrition and Jesus Salas from MARM's Sub Directorate for Animal Feed will attend the Standing Committee Meeting for Spain. She stated that the Inter-Ministerial Council,

which will decide on Spain's vote, is still deliberating and will meet on Friday afternoon to come to consensus on the two biotech maize votes.

16. COMMENT: While the Inter-Ministerial Council appears to still be debating Spain's position on the two biotech maize approvals at the Standing Committee, the Chief of Staff clearly stated that the Government of Spain would not deviate from its traditional position of supporting new biotech approvals and renewals. The anti-GMO factions within MARM's environmental departments are losing strength and influence as Ministry officials at the highest levels continue to push their pro-biotechnology position both at home and in Brussels. END COMMENT.

CHACON